

Exhibit A

to

Opening Merits Brief of
Petitioners American Wild Horse Campaign, Animal Welfare
Institute, Western Watersheds Project, Carol Walker, Kimerlee
Curyl, and Chad Hanson

Declaration of Carol Walker

*American Wild Horse Campaign, et al. v. Tracy Stone-Manning,
et al., No. 2:23-cv-00084-NDF*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

)	
AMERICAN WILD HORSE CAMPAIGN, et al.,)	
)	
Petitioners,)	
)	
v.)	Case No. 2:23-cv-00084-NDF
)	
TRACY STONE-MANNING, et al.,)	
)	
Respondents.)	
)	

DECLARATION OF CAROL WALKER

I, Carol Walker, hereby declare as follows:

1. I am a professional photographer living in Longmont, Colorado. I have been photographing wildlife for the past forty years and specializing in wild horse photography for the last twenty years. Twenty-three years ago, I started my own photography business called Living Images by Carol Walker, LLC. I have a Podcast dedicated to education on wild horse issues called Freedom For Wild Horses which is available on all the podcast streaming sites. I have professional, personal, recreational, and aesthetic interests in the wild horses in Wyoming and have visited all of the Herd Management Areas (“HMAs”) throughout the state, including those that have portions located in the “Wyoming Checkerboard.”

2. I sell fine art prints, calendars, and books of my photographs of wild horses running free in their natural habitat. I also license these images for use in print and web media and teach workshops on equine photography. My photographs have been featured in many galleries and have won numerous awards. In addition, a book of my photographs was published in France in October 2014, titled *Mustang: The Heart of an American Legend*, which includes

photographs taken of wild horses in Wyoming. I am especially well-known for my photographs of the Red Desert wild horses, which include specific wild horses and wild horse herds in Wyoming. My two award-winning books, *Wild Hoofbeats: Americas Vanishing Wild Horses*, and *Galloping to Freedom: Saving the Adobe Town Appaloosas* are both coffee table books about the Adobe Town wild horses, and my most recent award-winning book *Blue Zeus: Legend of the Red Desert* is about wild horses in the Red Desert Complex.

3. I regularly submit comments concerning agency actions that affect the management of wild horses, including wild horses on public lands in Wyoming. For example, I submitted comments for the scoping documents and Environmental Assessments (“EAs”) for the 2007, 2010, and 2013 Adobe Town and Salt Wells Creek roundups; the 2009 McCullough Peaks roundup; the 2011 Great Divide Basin Roundup; the 2011 White Mountain Roundup; and the 2011 Red Desert Complex Roundup. I also submitted comments on the 2013 Green River and Rawlins Range Management Plan and hand-delivered thousands of comments for the 2010 Adobe Town and Salt Wells Creek roundup to the Bureau of Land Management (“BLM”) Office in Rock Springs, Wyoming. On June 6, 2022, I also filed a formal protest to the Resource Management Plan amendments (“Amendments”) at issue in this case. These Amendments purport to drastically reduce the number of wild horses in three HMAs, by permanently eradicating all horses in the Great Divide Basin and Salt Wells Creek HMAs, and by removing substantial numbers of horses in the Adobe Town HMA. I am a party intervenor in a separate action challenging BLM’s administration of wild horses under a 2013 consent decree. *See Order Granting Unopposed Motion to Intervene, Rock Springs Grazing Ass’n v. U.S. Dep’t of Interior*, 2:23-cv-00048-NDF (D. Wyo. June 23, 2023), ECF No. 16.

4. I regularly visit Wyoming to observe and photograph the wild horses located there. For example, I visit the Adobe Town HMA between three and five times a year every year since 2004, most recently on May 17, 2023. Over the years, I have visited each of the HMAs located in the Wyoming Checkerboard (i.e., the Adobe Town, White Mountain, Great Divide Basin, and Salt Wells Creek HMAs) numerous times. My most recent visit to HMAs in Wyoming was October 6-11, 2023. I have concrete plans to return to visit most of these HMAs in 2024 and beyond, and look forward to my trips to view the wild horses. The most imminent of these upcoming trips is January 10-15, 2024, when I will be visiting the Red Desert Complex and Salt Wells Creek HMAs to photograph the herds there.

5. My relationship with the wild horse herds in the Wyoming HMAs is particularly strong because I have been observing and photographing them for so many years and have grown intimately familiar with the composure of their families (or “bands”). Throughout my regular visits, I have come to know and recognize certain horses and horse bands, which frequently appear in my photographs and to which I feel an especially close connection and relationship on a personal and aesthetic level, which also furthers my recreational and conservation interests in seeing, enjoying, and protecting these wild horses.

6. I have also attended wild horse roundups in various HMAs in Wyoming. For instance, I have attended roundups at Antelope Hills and Green Mountain in 2011; Adobe Town in 2005, 2010, and 2014; Great Divide Basin in 2011 and 2014; Fifteenmile in 2019; Red Desert Complex in 2020; the combined Salt Wells/Adobe Town roundups in 2013, 2014, and 2017; and the combined Great Divide Basin, Adobe Town, and Salt Wells Creek roundups in 2021-22. Attending these roundups breaks my heart and causes me immense personal and emotional anguish, but I feel compelled to bear witness for the sake of these magnificent creatures whose

bands are destroyed in the process.

7. The first roundup I attended in 2005 at the Adobe Town HMA was an especially heart-rending experience because it was incredibly shocking to see the tight-knit wild horse families I had grown to know, recognize, and love ripped apart. The stallions, mares, and foals were torn from each other forever. These roundups have lasting effects on the horses individually, as well as on the bands of horses that no longer exist after a roundup. When the government then decided to ship many of these horses to long-term holding, I was appalled and devastated. I understand the tremendous devastation that the horses are subjected to by being removed from their families and homes on the open range. The thought of these stunning animals languishing in small enclosures rather than running free across the range with their family bands compounded the pain and empathy I felt.

8. After attending the roundup in Adobe Town in 2005, I decided to write my book, *Wild Hoofbeats: Americas Vanishing Wild Horses*, to showcase my photographs of these beautiful creatures and to educate the public, telling the stories of these horses to those who have not had the opportunity to observe them in the wild.

9. The other roundups I have attended in Wyoming HMAs have also been incredibly emotionally taxing. For instance, at the Antelope Hills Roundup in 2011, I watched a beautiful wild family, all buckskins, being driven again and again toward the trap. The stallion kept driving his family away from the trap but finally the helicopter separated him from his other family members and drove them in. I was so distressed—so many horses lost their freedom that day, and in such a traumatic manner.

10. In addition to the fact that these roundups take a huge toll on me from an emotional, recreational, and aesthetic standpoint, they are also extremely detrimental to my

professional, artistic, and observational endeavors. For example, during the 2010 roundup in Adobe Town, so many horses were removed that I had a tremendously difficult time finding any horses to photograph there afterwards.

11. Following roundups, I have also noticed that the horses are incredibly skittish and understandably frightened of humans. I have observed this during my visits to several HMAs in Wyoming, including Fifteenmile, Antelope Hills, Salt Wells Creek, and Adobe Town. Usually, if I quietly approach the wild horses in these areas and remain still, they will approach me, or at the very least not run away, allowing me to photograph them. However, following a roundup, these horses usually run as soon as I stop the car, making it very difficult to photograph them, thereby seriously frustrating and impairing my personal, aesthetic, and professional interests in observing and photographing these specific horses and horse bands.

12. Roundups also destroy the intricate social hierarchies wild horses build within their bands, which, in turn, seriously and negatively affects my photography. Prior to roundups in various HMAs throughout Wyoming, I photographed large bands of eight to ten horses. I was able to take photographs of young foals playing together and mares and stallions interacting with each other. However, after the roundups, bands are much smaller, often consisting only of two to four horses that are more homogenous (and thus less compelling for photographs). In addition, several roundups, including the 2009 McCullough Peaks roundup, the 2010 Adobe Town roundup, and the 2011 Great Divide Basin roundup, have skewed the sex ratios of these bands, leaving far fewer mares and causing more fighting among stallions for the remaining females. This distorts the wild horses' band structures and alters their social interactions going forward.

13. I intend to return on a regular basis to the Wyoming HMAs both for my personal interests in observing the wild horses and to pursue my professional and economic interests in

photographing and writing about these animals. As noted above, I have concrete plans to return to several HMAs throughout Wyoming in 2023 and 2024 to enjoy, observe, and photograph wild horses. I am planning trips to Salt Wells Creek, White Mountain, Adobe Town, Great Divide Basin, McCullough Peaks, the Red Desert Complex, Fifteenmile and the Pryor Mountains this year (2024).

14. Roundups of wild horses on Wyoming public lands drastically lower the number of wild horses on the range in these HMAs and sever the familial ties of these horse populations. In turn, rounding up and removing these wild horses extinguishes opportunities for me to observe the specific horse bands I have grown to know and love and to photograph their natural social interactions. Roundups may also result in the removal of specific horses with whom I have an especially close connection.

15. Because I live in Colorado, I expend a large amount of time, effort, and money to visit these remote HMAs in Wyoming for recreation purposes, to take photographs for my business, and to conduct research for my books. Roundups that destroy the subject of my photography—the delicate social hierarchies of these wild horses—prevent me from earning back the resources I invest into travelling to and photographing these HMAs. Photographs of horses in numerous Wyoming HMAs sustain my business because I am particularly well known for them; as a result, being unable to photograph them engaging in their usual herd behaviors will have a lasting impact on my artistic, aesthetic, economic, and professional interests.

16. The Amendments challenged in this case will substantially impair my interests in preserving and protecting wild free-roaming horses both within the state of Wyoming and elsewhere. They will do so in several ways. First, they have authorized the complete eradication of all horses in the Great Divide Basin and Salt Wells Creek HMAs, which will make it

impossible for me to observe, enjoy, and photograph horses there. Second, they have drastically reduced the size of the Adobe Town HMA (through boundary adjustments) and also substantially reduced the number of horses allowed in this HMA, which will diminish the opportunities for me to observe, enjoy, and photograph wild horses in this HMA. Third, the permanent elimination of two HMAs and the drastic reduction in the size of another—combined with the substantial reduction to the overall population levels now allowed in these three HMAs—will make it difficult, if not impossible, for me to regularly find, let alone observe and photograph, individual wild horses or bands of wild horses in places where I have found them for decades. Fourth, because the Amendments authorize the permanent removal of over one thousand horses from the range in these HMAs, many specific horses that I have come to know and love will be removed by BLM and forever lose their wild, free-roaming status that Congress afforded them in the Wild Horse Act—thereby impairing my aesthetic, recreational, and emotional interests in these specific horses. If the Amendments are allowed to move forward, the removal of over one thousand horses from the Checkerboard, as prescribed by the Amendments, would further impair my aesthetic enjoyment of viewing wild horses on the range.

17. As discussed in greater detail in Petitioners’ Opening Merits Brief, the Amendments are stunning in terms of their scope and their potential to have a precedential impact on wild horse management throughout the West. The Amendments call for the permanent eradication of 1,017-1,229 wild horses from areas of public land where wild horses have roamed since at least 1971, when Congress decided to protect these animals with substantive, permanent safeguards enacted through the Wild Horse Act. In reaching that conclusion, however, BLM failed to make the prerequisite findings required under the Act: that there exists an overpopulation and removal is necessary to restore a “thriving natural ecological balance”—a

concept that BLM has tied to the abundance of four different features of wild horse habitat in a given area. In fact, BLM has found the opposite—that there is no such excess and the areas contain sufficient habitat to support the current herd sizes at a “thriving natural ecological balance.” To justify eliminating and/or severely reducing the numbers of these herds, BLM instead relied on the proximity of BLM lands to private parcels, the tendency of wild horses to roam freely, the duty Section 4 of the Wild Horse Act imposes on BLM to promptly remove strayed animals from private land, and the administrative burden that all these things combined portend for BLM if the removals do not occur. This, of course, could be said for almost every single HMA throughout the West.

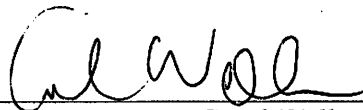
18. While the removal of thousands of horses from areas that I regularly visit will immediately harm my personal and professional interests in these herds, I am also worried about the ominous precedent that BLM’s decision may set for other field offices that manage for wild horses. The Amendments’ substantive interpretation of BLM’s authority to redesignate HMAs, reset appropriate management levels, eradicate entire wild horse herds, and remove wild horses based on those animals’ proximity to private land would set a dangerous precedent for wild horse management throughout the country. Looking at the places where wild horses protected by the Act are found today, I can see that there are very few (if any) places where it is impossible for horses to wander off public lands onto private lands. If a preemptive concern about private lands and BLM’s duty under Section 4 were a lawful basis to eliminate wild horses from large swaths of contiguous public land (just as BLM has done here in the non-Checkerboard portions of the planning area), based on my many years of interacting with BLM decisionmakers, I have no doubt that BLM will begin using this approach to eliminate HMAs throughout the West (including elsewhere in Wyoming).

19. BLM's decision here to remove thousands of wild horses from the public lands within and adjacent to the Checkerboard directly harms my interests in protecting and preserving viable free-roaming herds of wild horses on public lands, and my aesthetic interests in observing and photographing wild horses engaging in their natural behaviors.

20. The Environmental Impact Statement ("EIS") prepared by BLM pursuant to the National Environmental Policy Act in support of the Amendments also harms my informational interests. BLM's failure to comply with the applicable NEPA requirements, including its failure to consider alternatives (like a land exchange to consolidate public lands in the Checkerboard), harms me by denying me access to statutorily required information concerning the relative environmental effects of the permanently removing thousands of wild horses from the Checkerboard lands as compared to less damaging alternatives that are more in line with Congress's stated policy to protect wild horses on public lands where they were found in 1971.

21. A court order vacating the RMP Amendments, ROD, and Final EIS and requiring the agency to comply with the Wild Horse Act and NEPA would remedy the injuries caused by BLM and its unlawful amendments to the Green River and Rawlins RMPs by protecting from imminent removal the wild horse herds in the Adobe Town, Great Divide Basin, Salt Wells Creek, and White Mountain HMAs. This would allow me to continue indefinitely to observe and otherwise enjoy these specific wild horses and their specific herds on these public lands, as Congress envisioned when it enacted the Wild Horse Act in 1971.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.



Carol Walker

Dated: 1-7-2024